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Society of Jesus, Oregon Province

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MIA SONNECK, ALBERTA SENA, and
DOROTHEA SKALICKY,

Plaintiffs,

vs.

SOCIETY OF JESUS, OREGON PROVINCE;
ROMAN CATHOLIC DIOCESE OF BOISE
a/k/a THE CATHOLIC BISHOP OF BOISE,
IDAHO,

Defendants.

No. _____

Nez Perce County Court Case No.
CV09-00156

**NOTICE OF REMOVAL PURSUANT TO
28 U.S.C. 1452 AND BR 9027**

Defendant Society of Jesus, Oregon Province ("Debtor"), hereby removes the above-
captioned action to this court, based on the following facts:

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1. On February 17, 2009 (the "Petition Date"), Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. sections 101 *et seq.* (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Oregon, Portland Division. Debtor's Chapter 11 case is being administered under Case No. 09 30938-ELP. The assigned Judge is the Honorable Elizabeth L. Perris.

2. The above referenced state action was commenced prior to the Petition Date by the filing of a complaint in the Nez Perce County Court, State of Idaho.

3. The claims raised in this case may be removed to this Court. Removal is proper because: (a) the claims are asserted in a civil action; (b) the claims are not exempt from removal; and (c) this Court has subject matter jurisdiction over the removed claims pursuant to 28 U.S.C. sections 1441, 1452 and 1334. These claims raise federal questions and are related to Debtor's bankruptcy proceeding. *See Calumet National Bank v. Levine*, 179 B.R. 117, 120 (N.D. Ind. 1995) (stating that "related to" jurisdiction includes tort claims that "might result in a substantial judgment against [the debtor] and, in turn, a claim against the bankruptcy estate").

4. Pursuant to 28 U.S.C. section 1452 removal to this court is proper because it is the "the district court for the district where [plaintiffs'] civil action is pending." 28 U.S.C. § 1452.

5. Removal is timely pursuant to BR 9027(a)(2) because the claims were pending before the Petition Date and this Notice has been filed within 90 days of the Order for Relief from the Bankruptcy Court.

6. Consent of co-defendants, if any, is not necessary for removal under 28 U.S.C. Section 1452. *See Cal. Pub. Empl. Ret. Sys. V. Worldcom, Inc.*, 368 F.3d 86 (2d Cir. 2004).

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7. Upon removal, all proceedings with respect to the removed claims and causes of action are core proceedings, except the liquidation or estimation of contingent or unliquidated personal injury tort claims against the bankruptcy estate for purposes of distribution in the Bankruptcy Case. 28 USC § 157(b)(2)(B). As to any non-core proceedings concerning such claims, Debtor consents to entry of final orders or judgment by the bankruptcy judge, but only if the case is transferred to the United States District Court or the United States Bankruptcy Court for the District of Oregon.

8. Pursuant to BR 9027(a)(1), this Notice is accompanied by copies of all process and pleadings filed in the state court action.

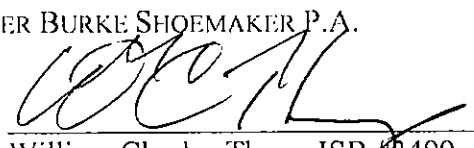
Pursuant to BR 9027(b), a copy of this Notice is being served on counsel of record for all parties.

Dated this 27th day of February, 2009.

Respectfully submitted,

GREENER BURKE SHOEMAKER P.A.

By:


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Of Attorneys for Defendant,
Society of Jesus, Oregon Province

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February, 2009, I served the foregoing **NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. 1452 AND BR 9027**, on the following parties at the following addresses:

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